

# **Local Agency Formation Commission of Modoc County**

## **Application Instructions**

(April 2008)

*Requirements for the processing and approval of applications to LAFCO are established by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the California Environmental Quality Act (CEQA). Additional procedures and standards are set forth in Modoc County LAFCO's Policies & Procedures and CEQA Guidelines.*

Applicants should be aware that the information LAFCO will require in an application varies depending upon the type of action requested. Staff recommends that project proponents request a pre-application conference prior to completing and submitting a formal application to assure clear understanding of the LAFCO approval process.

### **I Application Contents**

Applicants must provide LAFCO 15 copies of the completed formal application, 15 copies of all environmental documents as well as 15 copies of all supporting documents except the title report and initial map/boundary description submittals. All questions shall be answered in detail. The application must include the following:

- A. A **legislative resolution** or a **petition**. The LAFCO process may be initiated by an affected agency (Application by Resolution) or by property owners or registered voters (Application by Petition).
  - 1. *Application by Resolution* - a certified copy of an adopted resolution of application by the legislative body of any affected agency. A sample resolution of application is included in these instructions as Attachment 1 (note: content requirements may vary depending upon the principal act used).
  - 2. *Application by Petition* - a petition by property owners or registered voters that meets the requirements set forth in Section 56650-56653 of the Government Code. A sample petition is included in these instructions as Attachment 2.
- B. Completed Environmental Compliance Section.
  - 1. LAFCO generally *requires* the applicant agency to act as Lead Agency for CEQA purposes. In this case, applicants should submit copies of the Lead Agency Notice of Exemption or Notice of Determination, Initial Study, and all related reports including the Negative Declaration and/or Environmental Impact Report.
  - 2. If applicants want LAFCO to act as Lead Agency, a supplemental letter must be written to LAFCO. This letter is for requesting LAFCO to Act as Lead Agency for the purposes of CEQA. If another agency is the lead agency then no letter is required.
- C. LAFCO's definition of "Prime Agricultural Land" is contained in Government Code Section 56064. An analysis of the Agricultural Production history (in light of Section 56064) shall be required. This analysis shall cover the previous 5 years on lands subject to the proposed change of organization and shall be required.
- D. Any additional information as requested by LAFCO staff.

## **II Processing Fees**

Applicants are also responsible for payment of applicable State Board of Equalization (S.B.O.E.) fees, as listed in the S.B.O.E. fee schedule (included in this application packet). Applicants are required to pay map and legal description fees payable to the Modoc County Surveyor. The Surveyor will require this fee prior to checking the legal description and map.

## **III Attachment List**

Included in the application form is an Attachment List. Please list all supplemental documents and attachments and the corresponding questions on this form, and attach it to the completed application.

## **IV Maps**

- A. Applications must be accompanied by a map of the subject territory.
- B. Initially, ten blueprint copies of the project map (18 x 26 minimum) and two 8 1/2 x 11 reductions are required. Following initial review, the maps needed for final processing will be:
  - 1. Three reproducible copies
  - 2. Three blueprint copies
  - 3. Two 8 1/2 by 11 reductions
- C. To satisfy requirements of the State Board of Equalization as well as LAFCO, maps must:
  - 1. Be drawn to engineering scale
  - 2. Show the exterior lines of subject property
  - 3. Show the net and the gross acreage
  - 4. Show all streets, highways, railroads, streams, drainage canals, or other important physical features
  - 5. Show site dimensions, north arrow, and visual scale
  - 6. Show the point of beginning of the legal description
  - 7. Show all Assessor's Parcel Numbers
  - 8. Show all Tax Area Codes
  - 9. Display a small location or vicinity map
  - 10. Be professionally drawn or copied. Rough sketches cannot be accepted.
  - 11. Be signed by the licensed Land Surveyor (See LAFCO Mapping Requirements)
  - 12. Meet the requirements of the State Board of Equalization (Attachment #6).

## **V Boundary Description**

The description must be a metes and bounds description prepared by a Licensed Land Surveyor. It must be sufficient within itself, without requiring reference to any other document, recorded or not.

## **VI Public Notice List**

- 1. LAFCO will supply at applicant's expense a public notice list and two sets of mailing labels including all the parcel numbers of the subject property and of all properties within 300 feet of the exterior boundary of the subject property, and the names and addresses of the owners thereof, as shown on the most recent assessment roll being prepared by the county at the time the Resolution/Petition of Application is adopted.

2. LAFCO shall obtain at applicant's expense mailing labels for Registered Voters. Applicants shall provide one set of mailing labels containing registered voters not residing within the territory, but within 300 feet of the exterior boundary of the subject territory and two sets of mailing labels containing registered voter's addresses of those who reside within the annexation territory. Applicants may request that LAFCO staff compile the public notice list at actual cost. This requirement may be waived if the requirements of 56663 are met.

## **VII Preliminary Title Report (optional)**

If a proposal has 100% landowner consent, the LAFCO hearing and the hearing to receive protest may be waived. If you would like to utilize this expedited process, please supply staff with a title report so that ownership of the subject territory may be verified.

## **VIII Property Tax Exchange Negotiations**

Before processing an application for a change of organization, LAFCO must have documentation that the property tax sharing agreement required by law has been established.

- A. Public agencies filing applications accompanied by Resolutions of Application may include language in their initiating resolutions indicating that an existing master tax exchange formula applies (if operative and applicable). Another option is to provide LAFCO with a subsequent resolution documenting the agency's acceptance of the existing formula.
- B. Applicants using the petition process may wish to request that all affected agencies begin the tax negotiation process in principle, and submit documentation to LAFCO when negotiations are complete.

## **IX Filing of applications**

Within 30 days after the application is filed, staff will notify the applicant as to the need for additional information or will certify the application's completeness by issuing a Certificate of Filing. The required staff review will then begin.

## **X General Information and Background:**

### **A. History and Authority**

Local Agency Formation Commissions (LAFCOs) were established in 1963 to oversee the boundary changes of local governmental agencies within each county. LAFCO operates under the authority of Title 5, Division 3, Part 2, of the California Government Code (Section 56000 *et seq.*), also known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCO has authority over city incorporations and disincorporations; special district formations and dissolutions; annexations; detachments; and consolidations. LAFCO also adopts a Sphere of Influence for each local agency and conducts Municipal Service Reviews.

### **B. Commission Organization**

Each *LAFCO* is composed of elected officials from the county, local cities, and a member of the general public. Many LAFCOs include independent special district representation. In Modoc County, there are two county members, two city members, and one Public Member and three alternates representing LAFCO on behalf of the three categories above. Included in the application packet is a list of the current Modoc County LAFCO Members and Staff (Attachment 3).

### C. California Environmental Quality Act

*LAFCO* is subject to the California Environmental Quality Act, as are most public agencies. This statute requires that each project is subjected to environmental review and that the public is afforded opportunity to participate in the decision-making process.

#### **Attachments:**

1. Resolution of Application template
2. Petition template
3. LAFCO Commissioner and Staff Lists
4. Agreement to Pay and Indemnification form
5. LAFCO Fee Schedule
6. State Board of Equalization Requirements and Fee Schedule
7. LAFCO Mapping Requirements
8. LAFCO Policy (Resolution 2008-0001) regarding disclosure of contributions for Political Purposes